

**REMARKS**

In the present application, claims 1-41, 43 and 45-51 are pending with dependent claims 26-29, 31, 32, 34 and 41 deemed to contain allowable subject matter and the remainder rejected under the prior art as summarized below.

A) Claims 1-25, 30, 33, 35-40, 43 and 45-51 stand rejected under 35 U.S.C. 102(b) as being anticipated by Speedy Packer of Sealed Air Corporation user's guide.

B) Claims 37 and 39 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Speedy Packer of Sealed Air Corporation user's guide.

In the application there is pending independent claims 1, 45, 46 and 47 which are all indicated as being considered anticipated in the Office Action and for which the below discussion focuses.

For a better understanding of the differences between the claimed invention and the asserted prior art, reference is made to the Figures in the left and right columns on page 15 of this Amendment as well as the disclosure of pages 48 to 51 and pages 58 and 59 of the present application which describes the embodiment shown in Figures 13 to 14B of the present application. The left figure set presented on page 15 illustrates the dispenser housing and film feed arrangement of an embodiment of the claimed invention, and the right side figure set illustrates the system in the 'User's Guide'. As presented, the dispenser housing on the left side is shown arranged in cantilever fashion with the film diverging at an upper end of the dispenser housing on the left side such that the interior surfaces of the webs are arranged to run along the smooth, wrinkle avoidance front and back planar walls of the dispenser housing. The film webs then are brought back together at the nip roller assembly area where there is formed a continuous edge seal (closing off the side of the film webs relative to a preferred V or C-fold film having a folded edge which does not need sealing along the edge region that runs outward of the free end of the cantilevered dispensing device) as well as a bag end seal to complete the bottom of bag formation (such that foam precursor liquid dispensed from the module received by the dispensing housing is received in the partially formed bag before the next end seal is formed to complete the bag).

As described on background pages 10 and 11 of the present application and in provisional application Serial No. 60/469,042 incorporated in this application the prior art as represented by the "Guide", and for which photos of the same prior art system are found on pages H-12 to H-14 of the provisional application (in both non-covered and with covered modes), the prior art system suffered from a variety of drawbacks including poor film feeding (wrinkle generation) about the mixing module housing 9 which is designed to be centered between the opposite film edges of the film and between the front and back surfaces of the metal sheeting housing structure of the foam-in-bag assembly. This wrinkling can lead to poor seal formation which in turn can lead to spillage of foam which sticks tenaciously to any object of contact. The mixing module housing 9 of the Sealer Air design contains the mixing module drive motor (small electric motor contained internally within the block above the "cartridge block" not shown in Figure 4-3 of the User Guide) filters, intake valves, etc. all of which are highly susceptible to fouling as seen in the Figures H-12 to H-14 of the present application.

The design of the present invention features a dispensing housing where the interior film web surfaces ride along smooth front and back dispenser walls and where the interior edge (see line FE in the Figure 13 below) of the non-sealed film edges runs along these smooth planar housing surfaces as well (this promotes good edge seal formation as this is an area highly prone to spills if a complete edge seal is not formed). That is, if the edge seal region of the film becomes wrinkled an edge seal formed over that region can be disrupted and lead to leakage out from that side edge. In addition, under the present invention, components such as the mixing module drive motor, filters and/or intake valves are moved out of the immediate area of the dispenser and moved, for example, inward of the inward most edging of the film (again see line FE in Figure 13 below) which represents the film edge line contact region. Thus, in a preferred embodiment wherein a cantilevered dispensing housing arrangement is involved, the inner edge is positioned between the free end of that cantilevered housing and the motor driving a mix release valve.

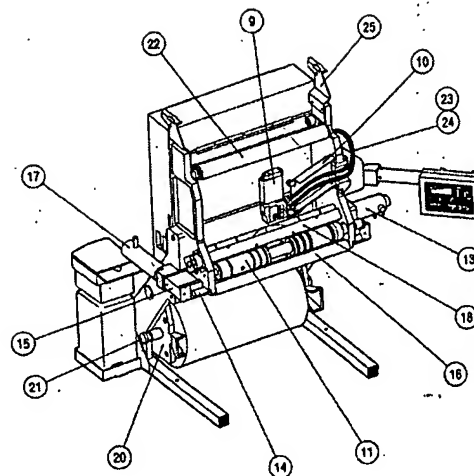
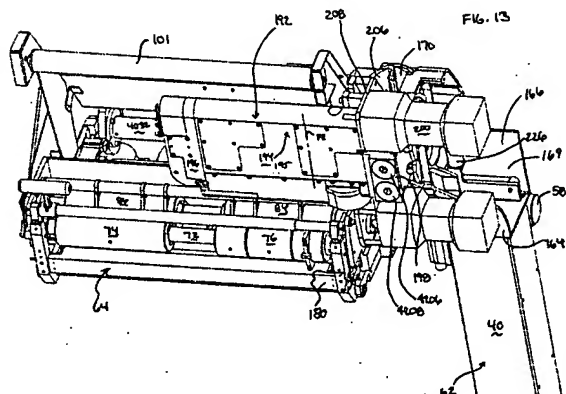


Figure 1-6

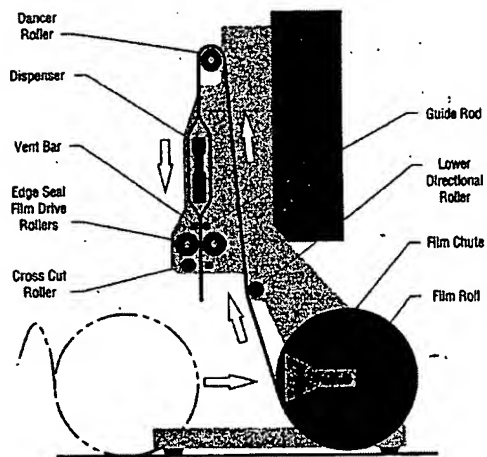
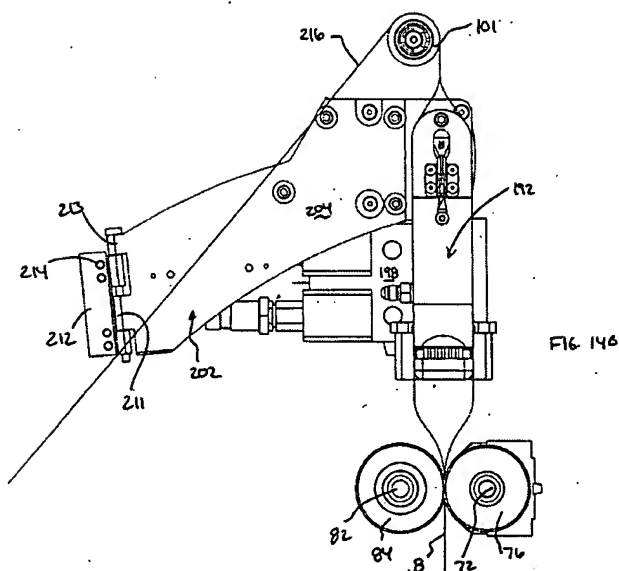


Figure 4-14

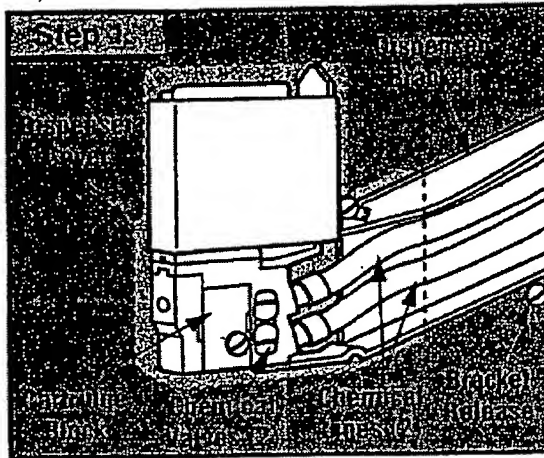


Figure 4-2

The position of the Examiner relative to claim 1 and the language **“said housing is positioned relative to film travel such that opposing, interior web surfaces of the film diverge to opposites sides of an upstream end of said housing and slide along respective planar front and back side walls of said housing”** is taken that i) the floating roller 22 represents the diverging upstream end of the dispenser housing; and (ii) and that the machine frame/walls of Fig 2-1 represent the dispenser housing and (iii) that the interior web surfaces in the film of the “Guide” – *“slide along respective planar front and back side walls of the housing (note it is inherent that the film is sliding and conveying between the front and back side walls of the housing)”*.

Applicants take issue with each of i) and iii) above. The unreasonableness of asserting that a floating or “dancing” film guide roller 22 in the “Guide” (secured at its ends with free spacing around it and an exterior paneling thereabout) represents part of a dispenser housing, as that term would be construed by one of ordinary skill in the art, was raised in the prior responses (e.g., see page 15 second paragraph of the Amendment filed September 18, 2006 and the paragraph bridging pages 1 and 2 of the February 10, 2006 Amendment). Even assuming, arguendo, such a construction is applied, there remains a deficiency in the anticipation assertion

in the Office Action. That is, the above quoted “inherent” assertion concerning the opposing, interior film surfaces sliding along front and back planar surfaces of the dispenser housing is submitted to be inaccurate. A review of the Guide’s film travel shown above, reveals that reliance is placed on rollers for film travel past the centrally positioned mixing module housing, and thus the film is not designed to contact the framework structures asserted in the Office Action to be inherently contacted. In fact, the very purpose of the framework arrangement is to avoid film contact. Also, the claim language references the front and back smooth walls as being positioned for smooth, slide contact along in contact with the opposing, interior film web surfaces, this arrangement is not presented by the framework of the “Guide” as asserted as being inherent in the Office Action. Furthermore, claim 1 describes that edge regions of the opposing, interior web surfaces of the film are diverged and spaced apart while running along and in contact with the planar surfaces of the housing. Again, as seen from the Guide arrangement, the film edges are on opposite sides and not in contact with the dispenser device during the time of a divergent spaced apart travel in the film webs.

Claim 45 is also not anticipated by the “Guide”. Claim 45 includes the language:  
*“and said housing having an outwardly diverging upper section and front and rear planar side walls extending down from respective front and rear ends of said outwardly diverging upper section and providing wrinkle avoidance contact surfaces to interior, front and rear film sections that diverge about said housing, and while in a diverged, spaced apart state are drawn both along and in contact with respective front and rear planar side walls of said dispenser housing positioned between said front and rear film sections.*

As noted above for claim 1, the Guide’s framework fails to include front and back wrinkle avoidance contacting surfaces relative to the interior surfaces of the web while those opposing interior surfaces are traveling in a divergent and spaced apart state and in contact with the housing’s planar side walls. In addition, with reliance on the dancing roller as the diverging upper section, there lacks front and rear planar side walls extending down from the front and rear sections of the diverging upper end (there is a large gap between the roller and this leads to easy wrinkle formation once the film is separated).(See also pg. 15,16 of Last Amend).

Relative to independent claim 46, claim 46 includes the following language:

*....said dispenser comprises a dispenser material module which receives a foam precursor chemical and a dispenser housing which internally receives said module...  
a drive mechanism for opening and closing an outlet port in said module, said drive mechanism including a motor supported externally of said dispenser housing and a drive transmission received by said dispenser housing, and said dispenser housing being supported in cantilever fashion such that an inner edge of film width falls between a free end of the cantilevered dispenser housing and said motor during film feed.*

The film that is fed down in the User's Guide travels to the front and back of dispenser manifold 9 to which a cartridge block, containing the cartridge within which reciprocates the chemical foam dispensing valve rod, is attached. This adjustment of the cartridge is achieved by a small motor contained in the manifold 9 that is triggered to move up and down the valve rod. The Office Action asserts the User Guide has the following features relative to the above quoted claim 46 language:

*"a drive mechanism for opening and closing an outlet port in the module (via 10); the drive mechanism including a motor supported externally of the dispenser housing (via motor 13)."*

Motor 13 has nothing to do with opening and closing an outlet port in said module and the interior film edge location (an example of such positioning can be seen in Figure 13's, ref. "FE"). This deficiency is discussed on pages 16 and 17 of last Amendment.

Claim 47 currently includes language describing that the edge regions of the opposing interior surfaces of its opposing film web sections are in contact with a smooth surface of the dispenser housing and that the edge sealer is positioned between the film web edges. As noted above, this avoids wrinkle formation in this region of the film being fed to an edge sealer. Again, this is not a feature of the Guide with its internally situated dispenser housing positioned well within the central region between the two film edges.

Accordingly, each of the Independent claims is shown above to be patentable over the applied rejection, and favorable reconsideration is respectfully requested.


U.S. Application Serial No. 10/623,720  
Attorney Docket No. 034017.010

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The extension fee should be charged to Deposit Account No. 02-4300 (034017R010).

Respectfully submitted,

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Dated: April 23, 2007